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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,778	11/13/2003	Hendrik Willem Meijer	U 014884-0	7412
140	7590	06/29/2005	EXAMINER	
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			A, PHI DIEU TRAN	
			ART UNIT	PAPER NUMBER

3637

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/712,778

**Applicant(s)**

MEIJER ET AL.

**Examiner**

Phi D. A

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/27/05 has been entered.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 10-15, 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Wolfensberger (3380768).

Wolfensberger (figure 6) shows an assembly of a coupling profile, wall elements (41, 42), at least one cover profile (50) for covering the coupling profile, the coupling of the wall elements to each other for the wall element assembly consists essentially of the coupling profile(51), the cover profile is coupled with the coupling profile, the wall elements abut each other (through the coupling profile), the cover profile fully covers the coupling profile, the cover profile is situated on the other side of the coupling profile than the side of the coupling profile where the wall elements meet, the cover profile extends over the pair of wall elements in a direction perpendicular to the longitudinal direction of the elements, the coupling profile is made of a rigid material, the coupling profile is made of metal (col 6 lines 34-36), the coupling profile

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at the cover side forms an angle of greater than 180°, the coupling profile is straight, the coupling profile is provided with an outermost recess for accommodating the cover profile and with an innermost recess for accommodating ends of the wall elements, the outermost recess is limited to either side by two outermost legs, the longitudinal edges of the cover profile being provided with respective recesses to fit over the respective outermost legs, the innermost recess being limited to either side by two innermost legs, the ends of the parts to be connected being provided with respective recesses to fit over the respective innermost legs, the outermost legs have a square buckle, the outermost and innermost legs have been arranged perpendicularly to the base surface of the outermost recess and the innermost recess respectively, the wall elements being garden house wall elements, the coupling profile coupling the wall elements (74, 41, 42) to each other without glue or fastener for the wall-element assembly, the wall elements (41, 42) meet each other at an inner side of the coupling profile and in that the cover profile is located at an opposite, outer side of the coupling profile.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfensberger (3380738).

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Wolfensberger shows all the claimed limitations except for the cover profile and the wall elements are made of wood.

Wolfensberger further discloses the profiles are used to cover cabinets, wall paneling, facing, worktable, mounting frame.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wolfensberger to show the cover profile and the wall elements are made of wood because having a wood cover profile would provide for an aesthetic appearance at the joint when joining wooden structures together, and having the panel formed of wood would have been an obvious matter of engineering design choice as wood, metal, plastic are well known material for forming panels for different applications.

5. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfensberger in view of Hugens (4258519).

Wolfensberger shows all the claimed limitations except for the wall-element assembly further comprising a pair of lower edge members, the lower edge members coupled, the coupling profile, the inner most recess of the coupling profile is adapted for accommodating ends of the wall elements and the lower edge members.

Hugens shows the wall-element assembly further comprising a pair of lower edge members(10c), the lower edge members coupled, the coupling profile, the inner most recess of the coupling profile is adapted for accommodating ends of the wall elements and the lower edge members., the lower edge members being covered by the cover profile (18).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wolfensberger to show the wall-element assembly further comprising a pair

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of lower edge members, the lower edge members coupled, the coupling profile, the inner most recess of the coupling profile is adapted for accommodating ends of the wall elements and the lower edge members as taught by Hugen because it would enable the supporting the coupling profile from the bottom, and provide for a tight seal at the bottom of the structure.

***Response to Arguments***

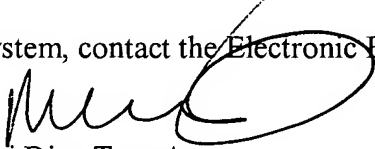
6. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Phi Dieu Tran A

6/27/05